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Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

November 22, 2022

Ms. Shannon Kenyon, Manager  
Northwest Kansas Groundwater Management District No. 4  
1290 West 4<sup>th</sup> Street  
PO Box 905  
Colby, KS 67701-0905

RE: Greater GMD 4 Local Enhanced Management Area

Dear Ms. Kenyon,

Attached you will find the Consolidated Order Designating the Greater GMD 4 Local Enhanced Management Plan for 2023-2027. The order reestablishes the Greater GMD 4 LEMA for another 5 years and adopts the management plan developed and submitted by Northwest Kansas GMD 4.

Thank you and the GMD 4 board for the effort you have put forth to work with water users in Northwest Kansas GMD 4 to create this plan. Recognizing the declines and taking action to reduce use is critical to ensuring that there will be water to use into the future. While progress has clearly been made, the ultimate evaluation of the effectiveness of the plan will be measured in water use and in the level of the groundwater table. I encourage you and the board to continue to be bold in future efforts to move as close as possible to a stable water level and a sustainable resource.

Thanks again for your efforts, and I look forward to continuing to work together with GMD 4 on these and other water conservation efforts.

Sincerely,

A handwritten signature in blue ink that reads "Earl D. Lewis, Jr." with a stylized flourish at the end.

Earl D. Lewis, Jr. PE  
Chief Engineer

**BEFORE THE DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE**

**In the Matter of the Designation of the** )  
Northwest Kansas Groundwater Management )  
District No. 4 Local Enhanced Management Area )  
in Cheyenne, Rawlins, Gove, Logan, )  
Sheridan, Sherman, Thomas, and Wallace Counties )  
in Kansas )  
**Pursuant to K.S.A. 82a-1041 and K.A.R. 5-19-1** )  
**through 5-19-5.** )

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**22 WATER 17978**

**CONSOLIDATED ORDER DESIGNATING THE NORTHWEST KANSAS GROUND-  
WATER MANAGEMENT DISTRICT NO. 4 LOCAL ENHANCED MANAGEMENT  
PLAN FOR 2023-2027**

COMES NOW, Earl D. Lewis, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (“Chief Engineer”), who, having conducted a public hearing in Colby, Kansas on July 27, 2022, hereby issues the following Consolidated Order Designating the Northwest Kansas Groundwater Management District No. 4 Local Enhanced Management Plan for 2023-2027 (“Consolidated Order”) pursuant to K.S.A. 82a-1041 and K.A.R. 5-19-3.

**I. PROCEDURAL BACKGROUND**

1. On March 4, 2022, the Northwest Kansas Groundwater Management District No. 4 (“GMD4”) submitted to the Chief Engineer a formal request for the renewal of the existing Northwest Kansas Groundwater Management District No. 4 Local Enhanced Management Area (“Greater GMD4 LEMA”), including a proposed management plan for the period beginning on January 1, 2023, and ending on December 31, 2027 (“Greater GMD4 LEMA Management Plan”).
2. Prior to the pre-hearing conference in this matter on July 11, 2022, the Chief Engineer reviewed the renewal proposal and found, pursuant to K.S.A. 82a-1041(a), that the Greater GMD4 LEMA Management Plan proposed clear geographic boundaries, pertained to an area wholly within a groundwater management district, proposed appropriate goals and corrective control provisions to meet the stated goals, gave due consideration to existing conservation measures, included a compliance monitoring and enforcement element, and was consistent with state law.
3. Following the initial review of the Greater GMD4 LEMA Management Plan, and after consultation with GMD4, the Chief Engineer determined that the proposed management

plan was substantially similar to the existing management plan and that, pursuant to K.A.R. 5-19-3(h), a consolidated hearing process was appropriate.

4. Pursuant to K.S.A. 82a-1041(b), timely notice of the consolidated public hearing was mailed to each water right holder located within the proposed Greater GMD4 LEMA and published in two local newspapers of general circulation and the Kansas Register. The consolidated public hearing was conducted by the Chief Engineer at 10:00 a.m. on July 27, 2022 in Colby, Kansas. Based on all testimony and evidence entered into the record and applicable law, the Chief Engineer considered whether the Greater GMD4 LEMA Management Plan satisfied the three initial requirements set forth in K.S.A. 82a-1041(b)(1)-(3) and whether the proposed Greater GMD4 LEMA Management Plan was sufficient to address the existing conditions set forth in K.S.A. 82a-1036(a)-(d).
5. Based on all testimony and evidence entered into the record of the consolidated public hearing, the Chief Engineer determined that the proposed Greater GMD4 LEMA Management Plan meets the requirements set forth in K.S.A. 82a-1041(b)(1)-(3) to address the decline in groundwater levels in the area in question, and issues this Consolidated Order in place of a separate Order of Decision and Order of Designation in order to fulfill the requirements K.S.A. 82a-1041(d) and (e).

## **II. APPLICABLE LAW**

1. The formation of a local enhanced management area is governed by K.S.A. 82a-1041 and K.A.R. 5-19-1 through 5-19-5. Pursuant to K.S.A. 82a-1041(a), when the Chief Engineer finds that a local enhanced management plan submitted by a groundwater management district is acceptable for consideration, then the Chief Engineer shall initiate proceedings to designate a local enhanced management area as soon as practicable.
2. Once the proceedings are initiated, pursuant to K.S.A. 82a-1041(b), the Chief Engineer shall hold an initial public hearing to resolve the following:
  - a. Whether one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist within the proposed LEMA boundary;
  - b. Whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted to address those circumstances; and
  - c. Whether the geographic boundaries of the proposed LEMA are reasonable.
3. K.S.A. 82a-1041(b) directs the Chief Engineer to conduct a subsequent hearing only if the initial public hearing is favorable on all three issues of fact and the expansion of geographic boundaries is not recommended.
4. K.S.A. 82a-1041(c) limits the subject of the subsequent hearing to the local enhanced management plan that the Chief Engineer previously reviewed and K.S.A.(d) requires the Chief Engineer to, within 120 days of the conclusion of the subsequent public hearing, issue an order of decision:



- a. Accepting the local enhanced management plan as sufficient to address any of the conditions set forth in K.S.A. 82a-1036(a)-(d);
  - b. Rejecting the local enhanced management plan as insufficient to address any of the conditions set forth in K.S.A. 82a-1036(a)-(d);
  - c. Returning the local enhanced management plan to the groundwater management district, giving reasons for the return and providing the district with the opportunity to resubmit a revised plan for public hearing within 90 days of the return of the deficient plan; or
  - d. Returning the local enhanced management plan to the groundwater management district and proposing modifications to the plan, based on testimony at the hearing or hearings, that will improve the administration of the plan, but will not impose reductions in groundwater withdrawals that exceed those contained in the plan. If the groundwater management district approves of the modifications proposed by the chief engineer, the district shall notify the Chief Engineer within 90 days of receipt of return of the plan. Upon receipt of the groundwater management district's approval of the modifications, the chief engineer shall accept the modified local management plan. If the groundwater management district does not approve of the modifications proposed by the Chief Engineer, the local management plan shall not be accepted.
5. Pursuant to K.S.A. 82a-1041(e), if the Chief Engineer issues an order of decision, then an order of designation that designates the area in question as a local enhanced management area shall be issued within a reasonable time following issuance of the order of decision.
  6. Pursuant to K.S.A. 82a-1041(f) and (g), the order of designation shall define the boundaries of the local enhanced management area and shall indicate the circumstances upon which the findings of the Chief Engineer are made. The order of designation may include the corrective control provisions set forth in the management plan and shall follow, insofar as may be reasonably done, the geographical boundaries recommended by the local enhanced management plan.
  7. Pursuant to K.A.R. 5-19-3(h) any proposal to adopt or renew a LEMA management plan that is substantially similar to a previously adopted management plan may be approved through a consolidated and simplified hearing schedule so long as all notice requirements of K.S.A. 82a-1041 are met and the proposing groundwater management district does not object to any proposed simplification or consolidation.

### **III. TESTIMONY**

#### *A. Testimony at Hearing*

1. All oral testimony offered at the consolidated public hearing and related exhibits are hereby incorporated into this order and made a part thereof, with a summary of such comments provided below.



2. The record of the proceedings regarding the request for and designation of the 2018-2022 GMD4 LEMA is incorporated into the record for this public hearing. (Transcript, p. 12.)
3. A summary of oral testimony offered at the consolidated public hearing is as follows:
  - a. Shannon Kenyon, Colby, Kan., Manager of GMD4 – Ms. Kenyon led the oral testimony in support of the re-designation of the Greater GMD4 LEMA for the period 2023-2027 pursuant to GMD4’s proposed plan. Ms. Kenyon stated and referenced exhibits to show that groundwater levels have historically declined significantly and that , groundwater levels continue to decline within the LEMA boundary and that that decline will continue without reductions in groundwater pumping. (*Id.*, pp. 18-21; GMD4 Exhibits 5, 6, and 7.) Ms. Kenyon further testified that the re-designation of the Greater GMD4 LEMA will serve the public interest by extending the life of the High Plains Aquifer within the proposed LEMA boundary. (Transcript, p. 21).

Ms. Kenyon testified that the management plan under consideration is substantially similar to the existing Greater GMD4 LEMA management plan but removes the requirement contained in the existing plan that no irrigation water right’s quantity shall be reduced by more than 25 percent of its average historical pumping based on years pumped 2009-2015 unless the reduction would allow a quantity over 18 inches per acre to be pumped (which will affect only 16 water rights) and adds a new provision regarding the conversion of water rights from irrigation to non-irrigation use. (*Id.* at 16, 21-22). The proposed Greater GMD4 LEMA management plan would apply wholly within the boundaries of GMD4, and the proposed management plan does not change the existing LEMA boundaries (*Id.* at 21). The proposed management plan would limit acre-feet pumped within the proposed LEMA boundary to 1.7 million acre-feet over five years within townships displaying an annual rate of decline for the period 2004-2015 of .5 percent or greater and provides for corrective controls sufficient to meet that goal in the form of water right allocations. (*Id.* at 24). The proposed management plan is a representation of the desires of the water right owners within the boundaries thereof, and renewal of the management plan was recommended by the GMD4 LEMA Advisory Committee. (*Id.*, pp. 15-16.)

Regarding the effectiveness of the existing Greater GMD4 LEMA, Ms. Kenyon testified that the corrective controls imposed by the current management plan are meeting the existing LEMA’s goals (Transcript, p. 24). Specifically, Ms. Kenyon testified that the total water used within the LEMA boundary for the first four years of the existing LEMA, 2018 to 2021, was estimated to be 1 million acre-feet. (*Id.* at 24). This is 59 percent of the LEMA’s 1.7 million acre-feet five-year allocation, well below the 80 percent that might be expected to have been used after four years (*Id.*). She also noted a report from Dr. Bill Golden of Kansas State University that found that producers inside GMD4’s Sheridan 6 LEMA are more profitable than producers outside of that LEMA and noted that that study provides ample evidence that producers within the Greater GMD4 LEMA will also be able

to implement strategies to maintain returns while applying less groundwater. (*Id.* at 25).

Finally, Ms. Kenyon testified that LEMA's metering and enforcement policies have worked very well, that water users and GMD4 have worked together cooperatively to resolve issues in this regard as they arose, and that the LEMA's policies in this regard have allowed for a swift response to meter failures and have provided for penalties sufficient to encourage compliance. (*Id.* at 25). She testified that GMD4 has found few problems to date in this regard and that the LEMA advisory committee has also worked well. (*Id.* at 25-26).

- b. Janelle Schields, Goodland, Kan. – Ms. Schields stated her belief that information given to water users regarding the Greater GMD4 LEMA has occasionally been misleading or difficult to understand and inquired as to how best seek to clarify such information and become more involved in the LEMA process.
- c. Matt Schields, Goodland, Kan. – Mr. Schields stated his belief that information conveyed to water users regarding the Greater GMD4 LEMA has occasionally been vague and that the restrictions imposed by the LEMA could have been explained to producers more clearly. Specifically, Mr. Schields stated that he feels the interplay between the five-year allocation imposed by the LEMA and the annual restriction imposed by a water right's authorized quantity was not clearly explained.
- d. Spencer Schlapp, St. Francis, Kan. – Mr. Schlapp echoed the testimony of Mr. Schields, stating his belief that it was not clearly conveyed to water users that a water right being subject to the five-year allocation imposed by the LEMA did not allow a producer to divert water in excess of a water right's authorized annual quantity in a given year.

#### *B. Written Testimony*

4. All written comments timely submitted are hereby incorporated into and made a part of this order with a summary of such comments provided below. A summary of written comments is as follows:
  - a. Kelly Stewart, Stockton, Kan., Water Commissioner, Division of Water Resources – Mr. Stewart's testimony cited his extensive service in Northwest Kansas and his involvement in the development of this and the prior version of the Greater GMD4 LEMA. Mr. Stewart recommended renewal of the Greater GMD4 LEMA and provided assurances that the Division of Water Resources is committed to working cooperatively with GMD4 to implement responsible and effective water management practices.



- b. Shannon Kenyon, Colby, Kan., Manager of GMD4 – Ms. Kenyon provided a written version of her oral comments (summarized above) at the hearing along with supporting reports and documentation.
- c. Max Mann, Quinter, Kan. – Mr. Mann’s testimony expressed his belief that utilizing annual water use reports submitted by water users and data gathered by the Kansas Geological Survey to map the coves, inlets, and branches of the High Plains Aquifer would aid in the development of a more effective LEMA.

#### **IV. DISCUSSION AND CIRCUMSTANCES OF FINDINGS**

1. As the Greater GMD4 LEMA now comes before the Chief Engineer for a second time, there is a substantial record in place regarding the need to regulate groundwater use in this area, and the public acceptance of the management plan put in place in 2018 is well-documented. The entire records of the first Greater GMD4 LEMA hearing proceedings are hereby incorporated into this order as evidence and, combined with the latest testimony, conclusively show that groundwater levels continue to decline or have declined excessively, the public interest requires the adoption of corrective controls to address such declines, and the geographic boundaries continue to be reasonable.
2. Notably, while several members of the public did provide testimony expressing a belief that communication regarding the requirements of the LEMA could be clearer, no testimony was presented that the LEMA should not be continued. Further, during the present proceedings, no testimony was presented against the boundaries of the proposed Greater GMD4 LEMA, the corrective controls contained in the proposed Greater GMD4 LEMA Management Plan, or the data that those elements of the management plan are based on.
3. Based on the evidence, testimony, and all data submitted previously and as a part of the current hearing process, the great weight of the evidence makes it clear that the Greater GMD4 LEMA is supported by those who irrigate within its boundaries and that the corrective controls imposed and the practices necessitated thereby have allowed the existing LEMA management plan to meet and exceed the stated water conservation goals and have not created an economic hardship to water users within the LEMA.

#### **V. FINDINGS OF FACT**

1. The proposed geographical boundaries of the Greater GMD4 LEMA include the following townships in Cheyenne, Rawlins, Gove, Logan, Sheridan, Sherman, Thomas, and Wallace Counties in Kansas, insofar as those townships are located within the boundaries of GMD4:

Cheyenne County

Township 3 South, Range 37 West  
Township 4 South, Range 37 West  
Township 4 South, Range 38 West  
Township 4 South, Range 40 West

Township 5 South, Range 37 West  
Township 5 South, Range 39 West  
Township 5 South, Range 40 West  
Township 5 South, Range 41 West  
Township 5 South, Range 42 West

Rawlins County

Township 3 South, Range 36 West  
Township 4 South, Range 36 West

Gove County

Township 11 South, Range 26 West  
Township 11 South, Range 27 West  
Township 11 South, Range 28 West  
Township 11 South, Range 29 West  
Township 11 South, Range 30 West  
Township 11 South, Range 31 West  
Township 12 South, Range 26 West  
Township 12 South, Range 27 West  
Township 12 South, Range 28 West

Logan County

Township 11 South, Range 36 West

Sheridan County

Township 6 South, Range 28 West  
Township 6 South, Range 29 West  
Township 6 South, Range 30 West  
Township 7 South, Range 27 West  
Township 7 South, Range 28 West  
Township 7 South, Range 29 West  
Township 7 South, Range 30 West  
Township 8 South, Range 28 West  
Township 8 South, Range 29 West  
Township 8 South, Range 30 West  
Township 9 South, Range 26 West  
Township 9 South, Range 27 West  
Township 9 South, Range 28 West  
Township 9 South, Range 29 West  
Township 9 South, Range 30 West  
Township 10 South, Range 26 West  
Township 10 South, Range 27 West  
Township 10 South, Range 28 West  
Township 10 South, Range 29 West  
Township 10 South, Range 30 West



Sherman County

Township 6 South, Range 37 West  
Township 6 South, Range 40 West  
Township 6 South, Range 41 West  
Township 6 South, Range 42 West  
Township 7 South, Range 37 West  
Township 7 South, Range 38 West  
Township 7 South, Range 39 West  
Township 7 South, Range 40 West  
Township 7 South, Range 41 West  
Township 7 South, Range 42 West  
Township 8 South, Range 37 West  
Township 8 South, Range 38 West  
Township 8 South, Range 39 West  
Township 8 South, Range 40 West  
Township 8 South, Range 41 West  
Township 8 South, Range 42 West  
Township 9 South, Range 37 West  
Township 9 South, Range 38 West  
Township 9 South, Range 39 West  
Township 9 South, Range 40 West  
Township 9 South, Range 41 West  
Township 9 South, Range 42 West  
Township 10 South, Range 37 West  
Township 10 South, Range 40 West  
Township 10 South, Range 41 West  
Township 10 South, Range 42 West

Thomas County

Township 6 South, Range 31 West  
Township 6 South, Range 33 West  
Township 6 South, Range 34 West  
Township 6 South, Range 35 West  
Township 6 South, Range 36 West  
Township 7 South, Range 31 West  
Township 7 South, Range 32 West  
Township 7 South, Range 33 West  
Township 7 South, Range 34 West  
Township 7 South, Range 35 West  
Township 7 South, Range 36 West  
Township 8 South, Range 31 West  
Township 8 South, Range 32 West  
Township 8 South, Range 33 West  
Township 8 South, Range 34 West  
Township 8 South, Range 35 West  
Township 8 South, Range 36 West

Township 9 South, Range 31 West  
Township 9 South, Range 32 West  
Township 9 South, Range 33 West  
Township 9 South, Range 34 West  
Township 9 South, Range 35 West  
Township 9 South, Range 36 West  
Township 10 South, Range 31 West  
Township 10 South, Range 32 West  
Township 10 South, Range 33 West  
Township 10 South, Range 36 West

Wallace County

Township 11 South, Range 42 West  
Township 11 South, Range 43 West.

2. The proposed Greater GMD4 LEMA Management Plan proposes clear and reasonable geographic boundaries and is located wholly within GMD4. Such boundaries are based on data shared by the Division of Water Resources, GMD4, and the Kansas Geological Survey concerning the hydrology of the area.
3. Evidence shows there remains a need for corrective control provisions within the proposed Greater GMD4 LEMA boundary and that the corrective controls proposed in the Greater GMD4 LEMA Management Plan have been appropriate when implemented under the previous Greater GMD4 LEMA management plan. Groundwater levels in the areas described above have declined and continue to decline, and the evidence still conclusively shows that corrective controls are still required in order to address that issue within the boundaries of the proposed LEMA.
4. The proposed Greater GMD4 LEMA Management Plan will limit groundwater diversions within the Greater GMD4 LEMA to 1.7 million acre-feet total within townships displaying an annual rate of decline for the period 2004-2015 of .5 percent or greater for the period between January 1, 2023 and December 31, 2027. This five-year allocation and the corrective control provisions contained in the proposed management plan will help ensure the proposed Greater GMD4 LEMA Management Plan meets its stated goal of promoting improved management of water used and promoting more efficient use by non-irrigation water uses within the proposed boundaries of the Greater GMD4 LEMA.
5. The supportive testimony (and lack of any testimony in opposition) for another five-year term indicates that the Greater GMD4 LEMA is effective and locally supported and that its continuance is in the public interest.
6. The overall effects of the original Greater GMD4 LEMA provided a significant decrease in the rate of decline of the aquifer, leading to an extension in the life of the aquifer within the LEMA boundaries without causing significant decrease in profitability to irrigators. Such evidence supports the continuation of the Greater GMD4 LEMA for another five-year period.



## VI. CONCLUSIONS OF LAW

1. Notice of the consolidated public hearing was proper and complied with the requirements of K.S.A 82a-1041(b) and K.A.R. 5-19-3.
2. The initial requirements for the establishment of a LEMA, that one or more of the circumstances in K.S.A. 82a-1036(a) through (d) exist within the boundaries of the proposed LEMA, that the public interest requires corrective controls be adopted to address those circumstances, and that the geographic boundaries of the proposed LEMA are reasonable are met.
3. Corrective controls are required within the Greater GMD4 LEMA in order to address excessive declines in the groundwater level and to address rates of withdrawal that exceed the rate of recharge pursuant to K.S.A. 82a-1036.
4. Pursuant to K.S.A. 82a-1041(d)(1), the proposed Greater GMD4 LEMA Management Plan addresses declines in groundwater levels and a rate of withdrawal that exceeds the rate of recharge in the area in question.
5. The proposed Greater GMD4 LEMA Management Plan is consistent with the Kansas Water Appropriation Act and other Kansas law.

## VII. ORDER OF DECISION AND DESIGNATION

**COMES NOW**, the Chief Engineer, who, pursuant to K.S.A. 82a-1041(e)-(h) and based upon substantial competent evidence, as provided by testimony and comments offered at or in relation to public hearings held for the purpose of designating the Northwest Kansas Groundwater Management District No. 4 Local Enhanced Management Area for 2023-2027, finds that the proposed Northwest Kansas Groundwater Management Local Enhanced Management Area for the years 2023-2027 is hereby designated and shall consist of the following townships, insofar as those townships are located within the boundaries of Northwest Kansas Groundwater Management District No. 4:

### Cheyenne County

Township 3 South, Range 37 West  
Township 4 South, Range 37 West  
Township 4 South, Range 38 West  
Township 4 South, Range 40 West  
Township 5 South, Range 37 West  
Township 5 South, Range 39 West  
Township 5 South, Range 40 West  
Township 5 South, Range 41 West  
Township 5 South, Range 42 West

### Rawlins County

Township 3 South, Range 36 West

Township 4 South, Range 36 West

Gove County

Township 11 South, Range 26 West

Township 11 South, Range 27 West

Township 11 South, Range 28 West

Township 11 South, Range 29 West

Township 11 South, Range 30 West

Township 11 South, Range 31 West

Township 12 South, Range 26 West

Township 12 South, Range 27 West

Township 12 South, Range 28 West

Logan County

Township 11 South, Range 36 West

Sheridan County

Township 6 South, Range 28 West

Township 6 South, Range 29 West

Township 6 South, Range 30 West

Township 7 South, Range 27 West

Township 7 South, Range 28 West

Township 7 South, Range 29 West

Township 7 South, Range 30 West

Township 8 South, Range 28 West

Township 8 South, Range 29 West

Township 8 South, Range 30 West

Township 9 South, Range 26 West

Township 9 South, Range 27 West

Township 9 South, Range 28 West

Township 9 South, Range 29 West

Township 9 South, Range 30 West

Township 10 South, Range 26 West

Township 10 South, Range 27 West

Township 10 South, Range 28 West

Township 10 South, Range 29 West

Township 10 South, Range 30 West

Sherman County

Township 6 South, Range 37 West

Township 6 South, Range 40 West

Township 6 South, Range 41 West

Township 6 South, Range 42 West

Township 7 South, Range 37 West

Township 7 South, Range 38 West

Township 7 South, Range 39 West



Township 7 South, Range 40 West  
Township 7 South, Range 41 West  
Township 7 South, Range 42 West  
Township 8 South, Range 37 West  
Township 8 South, Range 38 West  
Township 8 South, Range 39 West  
Township 8 South, Range 40 West  
Township 8 South, Range 41 West  
Township 8 South, Range 42 West  
Township 9 South, Range 37 West  
Township 9 South, Range 38 West  
Township 9 South, Range 39 West  
Township 9 South, Range 40 West  
Township 9 South, Range 41 West  
Township 9 South, Range 42 West  
Township 10 South, Range 37 West  
Township 10 South, Range 40 West  
Township 10 South, Range 41 West  
Township 10 South, Range 42 West

Thomas County

Township 6 South, Range 31 West  
Township 6 South, Range 33 West  
Township 6 South, Range 34 West  
Township 6 South, Range 35 West  
Township 6 South, Range 36 West  
Township 7 South, Range 31 West  
Township 7 South, Range 32 West  
Township 7 South, Range 33 West  
Township 7 South, Range 34 West  
Township 7 South, Range 35 West  
Township 7 South, Range 36 West  
Township 8 South, Range 31 West  
Township 8 South, Range 32 West  
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Township 8 South, Range 34 West  
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Township 8 South, Range 36 West  
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Township 9 South, Range 36 West  
Township 10 South, Range 31 West  
Township 10 South, Range 32 West

Township 10 South, Range 33 West  
Township 10 South, Range 36 West

Wallace County

Township 11 South, Range 42 West  
Township 11 South, Range 43 West.

**THEREFORE**, the corrective controls and all other necessary elements of administration and management regarding the Northwest Kansas Groundwater Management District No. 4 Local Enhanced Management Area contained in the Request for Renewal of the Northwest Kansas Groundwater Management District No. 4 Local Enhanced Management Area for the years 2023-2027 shall be in place beginning on January 1, 2023 and until December 31, 2027 within the boundaries of the local enhanced management area described above, including and subject to the terms, conditions, and corrective controls contained in **Exhibit A**.

**IT IS SO ORDERED, THIS 22<sup>nd</sup> DAY OF NOVEMBER 2022.**



Earl D. Lewis, P.E.  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

Attachments:

Exhibit A: "Request for Renewal of Greater GMD4 LEMA Submitted To the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources"

PREPARED BY:



Stephanie A. Kramer #27635  
Interim Chief Legal Counsel  
Kansas Department of Agriculture  
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## **RIGHT TO PETITION FOR ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A 82a-1901(c), you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527.

The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531, and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If no petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request administrative review may preclude further judicial review under the Kansas Judicial Review Act.



**CERTIFICATE OF SERVICE**

I do hereby certify that on this 22<sup>nd</sup> day of November 2022, I sent a true copy of the Order Designating the Greater GMD 4 Local Enhanced Management Plan for 2023-2027 by depositing it in postage prepaid, first class, United States mail to:


Shannon Kenyon, Manager  
Northwest Kansas Groundwater Management District No. 4  
1290 West 4<sup>th</sup> Street  
PO Box 905  
Colby, KS 67701-0905

And via electronic mail to:

Michael A. Meyer  
Kansas Department of Agriculture  
Division of Water Resources  
Garden City Field Office  
[Mike.meyer@ks.gov](mailto:Mike.meyer@ks.gov)

Shannon Kenyon, Manager  
Northwest Kansas Groundwater Management District No. 4  
[skenyon@gmd4.org](mailto:skenyon@gmd4.org)

Adam Dees  
Clinkscles Elder Law Practice  
[adam@clinkscleslaw.com](mailto:adam@clinkscleslaw.com)

  
\_\_\_\_\_  
Staff Person  
Kansas Department of Agriculture

**Request for Renewal of the Greater GMD 4 LEMA  
Submitted to the Chief Engineer,  
Kansas Department of Agriculture, Division of Water  
Resources**

**February 16, 2022**

**EXHIBIT "A"**

**Request for Renewal of the Greater GMD 4 LEMA  
Submitted to the Chief Engineer,  
Kansas Department of Agriculture, Division of Water  
Resources**

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**Request for Renewal of the Greater GMD 4 LEMA  
Submitted to the Chief Engineer,  
Kansas Department of Agriculture, Division of Water  
Resources**

Preamble and Boundaries

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In order to reduce decline rates and extend the life of the aquifer in the Northwest Kansas Groundwater Management District No. 4 (GMD 4), the Board of Directors of GMD 4 proposes the following five-year plan be submitted via the Local Enhanced Management Area (LEMA) process contained in KSA 82a-1041 for the following townships in so far as those townships are located within the GMD 4 boundaries:

Cheyenne County

Township 3 South, Range 37 West  
Township 4 South, Range 37 West  
Township 4 South, Range 38 West  
Township 4 South, Range 40 West  
Township 5 South, Range 37 West  
Township 5 South, Range 39 West  
Township 5 South, Range 40 West  
Township 5 South, Range 41 West  
Township 5 South, Range 42 West

Gove County

Township 11 South, Range 26 West  
Township 11 South, Range 27 West  
Township 11 South, Range 28 West  
Township 11 South, Range 29 West  
Township 11 South, Range 30 West  
Township 11 South, Range 31 West  
Township 12 South, Range 26 West  
Township 12 South, Range 27 West  
Township 12 South, Range 28 West

Logan County

Township 11 South, Range 36 West

Rawlins County

Township 3 South, Range 36 West  
Township 4 South, Range 36 West

Sheridan County

Township 6 South, Range 28 West  
Township 6 South, Range 29 West  
Township 6 South, Range 30 West  
Township 7 South, Range 27 West  
Township 7 South, Range 28 West  
Township 7 South, Range 29 West  
Township 7 South, Range 30 West  
Township 8 South, Range 28 West  
Township 8 South, Range 29 West  
Township 8 South, Range 30 West  
Township 9 South, Range 26 West  
Township 9 South, Range 27 West  
Township 9 South, Range 28 West  
Township 9 South, Range 29 West  
Township 9 South, Range 30 West  
Township 10 South, Range 26 West  
Township 10 South, Range 27 West  
Township 10 South, Range 28 West  
Township 10 South, Range 29 West  
Township 10 South, Range 30 West

Sherman County

Township 6 South, Range 37 West  
Township 6 South, Range 40 West  
Township 6 South, Range 41 West  
Township 6 South, Range 42 West  
Township 7 South, Range 37 West  
Township 7 South, Range 38 West  
Township 7 South, Range 39 West  
Township 7 South, Range 40 West  
Township 7 South, Range 41 West  
Township 7 South, Range 42 West  
Township 8 South, Range 37 West  
Township 8 South, Range 38 West  
Township 8 South, Range 39 West  
Township 8 South, Range 40 West  
Township 8 South, Range 41 West  
Township 8 South, Range 42 West  
Township 9 South, Range 37 West  
Township 9 South, Range 38 West  
Township 9 South, Range 39 West  
Township 9 South, Range 40 West  
Township 9 South, Range 41 West  
Township 9 South, Range 42 West

Sherman County continued

Township 10 South, Range 37 West  
Township 10 South, Range 40 West  
Township 10 South, Range 41 West  
Township 10 South, Range 42 West

Thomas County

Township 6 South, Range 31 West  
Township 6 South, Range 33 West  
Township 6 South, Range 34 West  
Township 6 South, Range 35 West  
Township 6 South, Range 36 West  
Township 7 South, Range 31 West  
Township 7 South, Range 32 West  
Township 7 South, Range 33 West  
Township 7 South, Range 34 West  
Township 7 South, Range 35 West  
Township 7 South, Range 36 West  
Township 8 South, Range 31 West  
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Township 8 South, Range 35 West  
Township 8 South, Range 36 West  
Township 9 South, Range 31 West  
Township 9 South, Range 32 West  
Township 9 South, Range 33 West  
Township 9 South, Range 34 West  
Township 9 South, Range 35 West  
Township 9 South, Range 36 West  
Township 10 South, Range 31 West  
Township 10 South, Range 32 West  
Township 10 South, Range 33 West  
Township 10 South, Range 36 West

Wallace County

Township 11 South, Range 42 West  
Township 11 South, Range 43 West



## Overview and Goal Expression

To promote improved management of water used, with a goal not to exceed 1.7 million acre-feet (AF) for irrigation over five years within townships displaying an annual decline rate for the period 2004 – 2015 of 0.5% or greater and promote more efficient use by non-irrigation water uses within the proposed boundaries of the Greater GMD 4 LEMA as described above.

This LEMA will exist for the five-year period beginning January 1, 2023 and ending December 31, 2027. This LEMA will include all water right points of diversion located within the township boundaries described above, except for vested water rights and water right with points of diversion whose source of supply is 100% alluvial.

The total program diversion amount of 1.7 million AF for irrigation water right use for townships with annual decline rates of 0.5% or greater will represent five (5) times the sum of designated legally eligible acres times the amount designated for irrigation water rights;

The GMD 4 and DWR will use the procedures described below to determine the five-year allocation for each water right and specify the allocations in Section 3. All allocations will be expressed in terms of total AF for the five-year LEMA period.

## Proposed Corrective Control Measures

### 1. Allocations – Irrigation

- 1.1. The allocations provided in Sections 3 and 4 were determined based on the maximum reported and/or verified acres for years 2009-2015. These allocations are subject to change where incorrect water use data is verified via the process in Sections 5 and 6.
- 1.2. All irrigation water rights, excluding vested rights and alluvial rights, shall be limited to the allocation for the water right location on the accompanying map, attached as Attachment 1, over the five-year period beginning January 1, 2023, and ending December 31, 2027. If a vested right and an appropriation right have the same place of use or same point of diversion, the vested right will be the vested water right's authorized quantity and the appropriation right will be limited to the total system allocation minus the vested water right's authorized allocation.
- 1.3. The base water rights will not be altered by any Order issued under this request, but will be subject to the additional terms and conditions described herein for the duration of this LEMA.
- 1.4. Wells pumping to a common system, or systems, shall be provided a single allocation for the total system acres, subject to the review process described in Sections 5 and 6. Where the place of use of a water right or group of water rights receiving a single allocation span two different allocation zones, the total allocation granted shall be based on a weighted average of allocations based on authorized acres in each zone. The total amount pumped by all of the wells involved must remain within the system allocation.

- 1.5. No water right will receive more than the currently authorized quantity for that right, times five.
  - 1.6. No water right within a K.A.R. 5-5-11 five-year allocation status will receive an allocation that exceeds its current five-year allocation limit.
  - 1.7. No water right will be allowed to pump more than its authorized annual quantity in any single year.
  - 1.8. In all cases the allocation will be assigned to the point of diversion and will apply to all water rights and acres involving that point of diversion. In all cases, the original water right will be retained.
  - 1.9. For water rights enrolled in EQIP and/or AWEP that will be coming out of either program on or before September 30, 2027, the allocation quantity will be set at the annual allocation for only the remaining years of the 2023-2027 LEMA period.
  - 1.10. If a water right is, or has been, suspended, or limited for any year of this LEMA, due to penalty issued by the Kansas Department of Agriculture (KDA), Division of Water Resources (DWR), then the GMD 4 and DWR will reduce the allocated quantity for such water right accordingly for the 2023-2027 LEMA period.
  - 1.11. For water rights enrolled in a KAR 5-5-11 change, MYFA, WCA, or other flexible water plan, the most water restrictive plan will apply.
  - 1.12. The LEMA will not restrict water rights that are still in their perfection period.
  - 1.13. The following uses will be deemed “non-irrigation” for the purposes of this LEMA and will be encouraged to use best management practices in the watering of:
    - 1.13.1. gardens, orchards, and lawns greater than two acres; and
    - 1.13.2. golf courses, cemeteries, athletic fields, parks, racetrack grounds, and similar facilities.
2. Allocations – Non-irrigation
- 2.1. Livestock and poultry water rights will be encouraged to maintain their use at 90% of the amount provided by K.A.R. 5-3-22 based on the maximum amount supportable by the number of animals authorized by a current facility permit authorized by the Kansas Department of Health and Environment. At no time will a stock water right be authorized to pump more than its authorized quantity.
  - 2.2. Municipal water rights will be encouraged to reduce the amount of unaccounted for water reported annually on the water use report and reduce the gallons per capita per day.
  - 2.3. All other non-irrigation water rights will be encouraged to use best management practices.



- 2.4. When converting a water right from an irrigation use to a non-irrigation use, the base water right will be converted under the procedures in K.A.R. 5-5-9, 5-5-10, and GMD 4 regulations. The converted water right will then have a LEMA allocation equal to or less than the irrigated LEMA quantity prior to the conversion.
- 2.5. The base water rights will not be altered by any Order issued under this request but will be subject to the additional terms and conditions described herein for the duration of the LEMA.

### 3. Individual Allocation Amounts

The five-year allocations for every water right under Section 1 and Section 2 above will be converted to a five-year acre-feet total, with Attachment 1 containing the assigned eligible irrigation restrictions for each township. Each water right will be restricted to its total acre-feet allocation within the LEMA Order issued through this process, subject to the review processes outlined in Sections 5 and 6.

### 4. Data Set

The relevant data for this LEMA proposal came from the Water Rights Information System (WRIS) maintained by the Kansas Department of Agriculture, Division of Water Resources (DWR).

If any data errors are discovered, then the GMD 4 Board requests that the person or entity discovering the errors contact GMD 4 to update or correct any alleged errors via the processes outlined in Sections 5 and 6.

Attachment 2 contains pdf files of irrigation and stockwater water right numbers and allocations. Associated spreadsheets will be kept by GMD 4 and DWR; will be available on the GMD 4 and DWR websites; and may be changed with the Chief Engineer's approval or through the processes outline in Sections 5 and 6. The GMD 4 and the DWR will document or track any changes made to the irrigation water and stock water right allocations attached hereto.

### 5. Eligible Acres Process

This Greater GMD 4 LEMA will use the same eligible acres as the 2018-2022 GMD 4 LEMA, except as modified by GMD 4 or DWR during the 2018-2022 LEMA period. The following procedure will be used to assign eligible acres to every irrigation water right in the Greater GMD 4 LEMA and to include in any future LEMA request.

The GMD 4 and DWR determined eligible acres as follows:

- 5.1. The GMD 4 and DWR used the maximum reported authorized irrigated acres from 2009-2015 that could be verified as being legally irrigated with the GMD 4 in-house aerial photography and water right file information.
- 5.2. If the authorized place of use was not irrigated from January 1, 2009, to December 31, 2015, then earlier years that the water user irrigated the acres may be considered.



- 5.3. The DWR will contact every water right owner within 60 days after the Order of Designation and others known to them as operators or interest holders in the water right to inform them of the eligible acres assigned to their water right(s) under the adopted process, allow them the opportunity to appeal the assigned acres under the process described below and allow them the opportunity to provide more information to the GMD 4 Board on the correct acres. The GMD 4 Board's decision is final, and the eligible acres determined by the GMD 4 Board will be used to calculate and assign the final allocations.

## 6. Appeals Process

- 6.1. Appeal Process. The following process will govern appeals regarding eligible acres and allocated water:
  - 6.1.1. Any appeal of the eligible acres and allocated water must be filed before March 1, 2024. Failure to file an appeal of the eligible acres and allocated water by March 1, 2024 will cause the assigned eligible acres and allocated water to become final during the LEMA period. GMD 4 and DWR shall coordinate to ensure that no later than 60 days after the order of designation, the basis of the allocations provided in Attachment 2 shall be publicly available through the DWR and GMD 4 websites.
  - 6.1.2. Only eligible acres and allocated water may be appealed through this appeal process. Although allocations are based on 2009-2015 verified acres, more recent irrigated acreages may be considered within the appeal. No other issues including, but not limited to, the LEMA boundaries, violations, meter issues, etc., may be appealed through this process.
  - 6.1.3. GMD 4 Staff will first hear any appeal. GMD 4 Staff will determine eligible acres based on the factors above in Section 5, entitled "Eligible Acres Process."
  - 6.1.4. Any determination made by the GMD 4 staff may be appealed to the GMD 4 Board.
  - 6.1.5. The GMD 4 and DWR will use the acres and allocated water determined through the processes contained in Sections 5 and 6, as detailed above, to calculate and assign allocations, except that more recent irrigated acreages may be used.
- 6.2. Factors to be considered by the GMD 4 Board on appeal. The following factors, in order of importance, will be used when reviewing a determination of eligible acres and allocated water on appeal.
  - 6.2.1. First, the reviewer will consider the location of the well(s) and their township allocations.
  - 6.2.2. Second, the reviewer may consider the authorized place of use.
  - 6.2.3. Third, the reviewer may consider any and all aspects of the water right, use, place of use, point of diversion, or any other factors the reviewer determines appropriate to determine eligible acres and allocated water.

- 6.3. If a water right holder, or water user, demonstrates that they have lawfully expanded a water right's place of use from 2009-2022, the appropriate allocation for such additional lands may be provided.

## 7. Violations

- 7.1. The LEMA order of designation shall serve as initial notice of the creation of the LEMA and its terms and conditions to all water right owners within the GMD 4 on its effective date.
- 7.2. Upon GMD 4 learning of an alleged violation, GMD 4 will provide DWR with the information GMD 4 believes shows the alleged violation. DWR, under its discretion, may investigate and impose restrictions and fines as described below or allowed by law.
- 7.3. DWR will address violations of the authorized quantities as follows:
  - 7.3.1. Exceeding any total allocation quantity of less than 4 AF within the allocation period will result in a \$1,000.00 fine for every day the allocation was exceeded.
  - 7.3.2. Exceeding any total allocation quantity of 4 AF or more within the allocation period will result in an automatic two-year suspension of the water right and a \$1,000 fine for every day the allocation was exceeded up to a maximum of \$10,000.
- 7.4. In addition to other authorized enforcement procedures, if the GMD 4 Board finds by a preponderance of evidence that meter tampering, removing the meter while pumping, or any other overt act designed to alter the metered quantity as described in K.A.R. 5-14-10 occurred, then the GMD 4 Board will make a recommendation to the Chief Engineer that a written order be issued which states:
  - 7.4.1. The nature of the violation;
  - 7.4.2. The factual basis for the violation;
  - 7.4.3. That the water right is suspended for 5 years; and
  - 7.4.4. That the water right loses all remaining assigned quantities under the District-Wide Local Enhanced Management Area.

## 8. Metering

- 8.1. All water right owners will be responsible for ensuring their meters are in compliance with state and local law(s). In addition to complying and reporting annually the quantity of water diverted from each point of diversion, all water right owners shall implement at least one of the following additional well/meter monitoring procedures:
  - 8.1.1. Inspect, read, and record the flow meter at least every two weeks the well is operating. The well owner will maintain records of this inspection procedure and provided to GMD 4 on GMD 4's request. If the flow meter reported readings be in question, the bi-weekly records not be available,



and the bi-weekly records no be provided upon request of the GMD 4, then the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Following each year's irrigation season, the person, or persons, responsible for this data may at their discretion transfer the recorded data to the district for inclusion in the appropriate water right file for future maintenance.

8.1.2. Install and maintain an alternative method of determining the time that the well is operating. This information must be sufficient to be used to determine operating time in the event of a meter failure. Should the alternative method fail or be determined inaccurate, the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Well owners and operators are encouraged to give the details of the alternative method in advance to GMD 4 in order to insure that the data is sufficient.

8.2. Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall, within 48 hours of finding a flow meter that is inoperable or inaccurate, contact the GMD 4 office concerning the matter and provide the following information:

- 8.2.1. water right file number;
- 8.2.2. legal description of the well;
- 8.2.3. date the problem was discovered;
- 8.2.4. flow meter model, make, registering units, and serial number;
- 8.2.5. the meter reading on the date discovered;
- 8.2.6. description of the problem;
- 8.2.7. what alternative method is going to be used to track the quantity of water diverted while the inoperable or inaccurate meter is being repaired/replaced;
- 8.2.8. the projected date that the meter will be repaired or replaced; and
- 8.2.9. any other information requested by the GMD 4 staff or Board regarding the inoperable or inaccurate flow meter.

8.3. Within seven days after an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall submit form DWR 1-560 Water Flowmeter Repair/Replacement Report to the GMD 4.

8.4. This metering protocol shall be a specific annual review issue and if discovered to be ineffective, specific adjustments shall be recommended to the chief engineer by the advisory committee.

## 9. Accounting

9.1. DWR, in cooperation with GMD 4, shall keep records of the annual diversion amounts for each Water Right within the LEMA area, and the total five-year quantity balances will make this information available to the Water Right Holder and the GMD 4 on their request.



## 10. Advisory Committee

- 10.1. The GMD 4 Board will appoint and maintain a Greater GMD 4 LEMA Advisory Committee consisting of 14 members as follows: one GMD 4 staff; one GMD 4 Board Member; one representative of the Division of Water Resources, Kansas Department of Agriculture as designated by the Chief Engineer; and the balance of the members will be irrigators with regional distribution identical to GMD 4 board member distribution. One of the Greater GMD 4 LEMA Advisory Committee members shall chair the committee. The Advisory Committee will meet annually to consider:
  - 10.1.1. water use data;
  - 10.1.2. water table information;
  - 10.1.3. economic data as is available;
  - 10.1.4. violations issues – specifically metered data;
  - 10.1.5. any new and preferable enhanced management authorities become available;
  - 10.1.6. other items deemed pertinent to the advisory committee.
- 10.2. The Advisory Committee, in conjunction with DWR, shall produce an annual report that shall provide a status for considerations 10.1.1 through 10.1.6 and any recommended modifications to the current LEMA Order relative to these six items. The report will be delivered to the GMD 4 board and the Chief Engineer.
- 10.3. The Advisory Committee shall review what additional water level data is available, its quality and suitability for use in improving the water level data network used for future water management decisions should the GMD 4 wish to continue with LEMA management based on water level decline rates.

## 11. LEMA Order Reviews

- 11.1. In addition to the annual LEMA Order reviews under Section 10, the Advisory Committee will also conduct a formal LEMA Order review 18 months before the ending date of the LEMA Order. Review items will focus on economic impacts to the LEMA area and the local public interest. Water level data may be reviewed.
- 11.2. The Advisory Committee, in conjunction with DWR and GMD 4, will also produce a report following this review for the Chief Engineer and the GMD 4 Board. The report will contain specific recommendations regarding future LEMA actions. All recommendations shall be supported by reports, data, testimonials, affidavits, or other information of record.

## 12. Impairment Complaints

While this LEMA is in effect, the GMD 4 stakeholders request that any impairment complaint filed in GMD 4 that is based upon either water supply issues or a regional decline impairment cause, be received by the Chief Engineer and investigated by the Chief Engineer with consideration to the on-going LEMA activities.

### 13. Water Level Monitoring

The data used to determine regional aquifer declines in Attachment 1 are based on the annual water level monitoring taken by KGS and DWR. These measurements will continue as the data set used in determining water level declines. In the future, GMD 4 may, but is under no obligation to, install additional monitoring wells.

### 14. Coordination

The GMD 4 stakeholders and the GMD 4 Board expect reasonable coordination between the Chief Engineer, KDA, DWR, and the GMD 4 on at least the following efforts:

- 14.1. Development of the LEMA Order resulting from the LEMA process;
- 14.2. Accounting for annual pumpage amounts by LEMA water right owners and operators; and
- 14.3. Compliance and enforcement of the Greater GMD 4 LEMA Order.





## **Attachment 2**

### **Irrigation Allocation Website**

**<https://connect.kda.ks.gov/apps/DWRLema/Gmd4/Irrigation>**



GMD 4 LEMA  
Irrigation Water Right



GMD 4 LEMA Stock  
Water Rights.pdf

## **Attachment 3**

### **Public Meeting Notes and Sign-in Sheets**

**Previous Received Comments**

Everyone in the LEMA should have probes.

Should only be able to irrigate one crop/year

**Saint Francis Public Meeting Comments**

**8/19/2021**

Topic 1: More or Less Reductions?

What we're doing here now, does it make a difference?

So water levels are coming up?

The townships in Southern Sherman that are yellow and red should be reduced more.

What about our future, for our kids and grandkids?

How do we compare to the other Districts?

What about the feedlots, dairies, pork & beef and packing industries moving in, taking our water? What happens to them?

Topic 2: Carry Over

I think carry over is a good idea for the next five year period.

There's really no benefit to carry over.

So if you carry over, wouldn't that cause over pumping?

With a mix of wet & dry years, there's really no need for carry over.

If you could actually carry it over, that would be beneficial.

It's not really a carry over, it's more like a punishment if you don't conserve.

Topic 3: Irrigation Conversion

Any discussion on municipalities? Many are wasting it.

Feedlots need to have a stake in the game.

It's everybody's water, so it's everybody's responsibility.

Topic 4: Other Ideas

Are there any end guns on pivots in Kansas anymore? Because they are all over in Colorado and Nebraska.

Not happy with the Republican River Compact.

We might need to change the crops we grow.

**Saint Francis Written Comments**

**Received 8/19/2021**

**Topic #1**

**Should there be more or less reduction?**

5 more years of this plan and then next step to make sure we are conserving

Remain the same and study.

I think it should stay the same and see what another 5 years shows.

**Topic #2**

**Should there be carryover?**

I think if you save 5" over 5 years you should be able to use ½ of what you saved in a dry year.

Not at this time.

No carryover!

**Topic #3**

**Should there be irrigation conversion to other beneficial uses?**

Yes – all should comply.

**Topic #4**

**Other ideas or problems with the current LEMA? Or a message to the board of Directors.**

I think all irrigation should be under restriction everywhere.

Protect our future generation

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**2023-2027 LEMA PUBLIC MEETING**

Northwest Kansas Groundwater Management District No. 4

**August 19, 2021**  
Saint Francis, Kansas

NAME	CITY
TOM Stevens	ST. FRANCIS
Dennis Wright	Bird City
Don Wright	Bird City
Mary P. Wright	
Robert Branch	St. Francis
Robert Dwyer	St. Francis
Robert Dwyer	St. Francis
John Lampe	St. Francis
Day Stephens	St. Francis
David Stephens	St. Francis
Tom Small	St.
Matt Small	St. Francis
Chris Braslin	St. Francis
Art Kney	St. Francis
Sean or Schlep	St. Francis
Dylan Lud	St. Francis
Robert Grece	"
Dennis Warden	St. Francis
Mitch Schlep	St.

(19)

+ 2 staff

**Goodland Public Meeting Comments**

**8/19/2021**

Topic 1: More or Less Reductions?

We need to note that there are too many straws in the whole.

Are we really slowing down?

What about 9-41, is it slowing down?

What's the most radical feedback you've had?

Topic 2: Carry Over

I think we're on the right track. I would like to see carryover myself.

The carryover is a huge incentive to manage the water. It puts you in the mindset to shut off to save.

Next year you might be able to pump that extra if it's not a wet year.

Maximum carryover is the next zone up from what color your township is in on current LEMA plan.

Should they send out a reminder that you only have "X" amount of water that you have left.

It would be helpful to have the water right allocation on the "What's my allocation" website.

Has there been talk regarding keeping your wet acres the same, or increase them. If you take a tower down, do you lose those acres?

Will it (LEMA) die at the end of the 5 years? It would benefit us for the process to be as hard as possible for you guys to enact it.

If you over pump, can carryover take care of it?

Topic 3: Irrigation Conversion

Can you clarify the problem with the beneficial use – the loophole?  
It should be restricted.

I don't think you should mess with the city.

Goodland Written Comments

Received 8/19/2021

Topic #1

Should there be more or less reduction?

Cut 2 more inches off everyone.

Stay the same

Yes there should be slight more reduction. I would suggest around 10% reduction to the current LEMA inches/acre but still be able to pump water right amount in 1 year.

Topic #2

Should there be carryover?

Sure

5%

No I think the LEMA's should stay 5 years at a time. Water conservation should be about conserving not about getting X amount of water and using it whenever I want in 10 years

Topic #3

Should there be irrigation conversion to other beneficial uses?

NO

Only at the LEMA amount

Yes for new stock water. Wells irrigating now should not be able to pump more water because of different use.

Topic #4

Other ideas or problems with the current LEMA? Or a message to the board of Directors.



**2023-2027 LEMA PUBLIC MEETING**

Northwest Kansas Groundwater Management District No. 4

**August 19, 2021**

Goodland, Kansas

NAME	CITY
Nathan Emig	Goodland, KS
Marsha Schilling	Edson, KS.
David Pritchett	Old.
Steph D. Colville	Goodland
Blaine Sebastian	Goodland
Mitchell Gibson	Goodland
Thad Hahn	Goodland
Steve Dull	Goodland
Bob Middleton	"
Pat Smith	Goodland
Craig Goggin	Goodland
Ryan Hill	Goodland
Kevin Bottrell	Goodland
Edward Kallala	Goodland
John Mosbarger	Goodland
Jace Mosbarger	Goodland
John Winkle	Goodland
Kimberly Egan	Goodland
Dan Stephens	St. Lawrence
Robin Deard	Goodland
Lois Hinson	Goodland, KS
Curtis Dornier	Edson, KS
Thatcher Jones	Goodland, KS
Ann Tarsen	Goodland, KS

(24) + 2 staff



Colby Public Meeting Comments

8/20/2021

Topic 1: More or Less Reductions

I'd like to see the areas that have 18 inches decreased to 15 inches.  
(Didn't get the counter statement to this statement)

Using your political position to do it.

Topic 2: Carry Over

What about where it says the 10% carry over in the LEMA.

How many wells, how many AF, and where are they?

Topic 3: Irrigation Conversions

What about municipalities? -- They are included in the 1.2%

Cities may be looking for water in the future.

We use the most of the water. Let them have their water.

What positive we have ahead is that these areas aren't growing. It's almost a moot point.

What we don't want in the paper is that we don't have enough, and we need to stop.

Where does priority right come in to play?

Didn't the LEMA take care of that?

What's everyone's thought on a feedlot expansion or packing plant coming in?

I thought it was AF/AF

So he could pipe it in? Discussion with Foote was that he could.

I was on the board when we made that change that made that possible.

What if he drills a new well?



### Colby Public Meeting Comments (cont.)

What was that program called that grouped wells together to move water around?  
(WCA)

Who approves those?

You are headed towards that bridge, and need to be thinking about it.

Topic 4: Other Ideas

Where is GMD4 heading with this? Are we trying to get to a 0 decline? What is our rate of decline?

Set a blanket goal!

Need a benchmark!

What are we actually doing?

What did we do with excess decline?

Calibrate the model to what is actually happening?

Moved index wells - -lose the continuity.

Got to set a goal like ½% per year.

I'm not fond of using SD-6 for an example – they got more rain than we did.

Is it actually doing anything? I haven't changed a thing in my farming practice.

I suggest we leave the AF the same, cut 25% across the board, with a cost of \$10/ac in to over pump. The next year use the same program, then get paid \$10/ac in for not over pumping. It would be a self-funded program to pay those willing to cut back.

What if it rains and nobody pumps – how are you going to pay everyone?

Use what AF?

Everybody should be cut equally?

Can't cut everything equal.

Well then why are you following this?

**Colby Public Meeting Comments (cont.)**

I'm being forced to.

I'd gladly reduce 25% if everyone else was too.

That's what they gave us.

Keep it the same, don't change it.

**Colby Written Comments**

**Received 8/20/2021**

**Topic #1**

**Should there be more or less reduction?**

Same

Maybe a little bit more with some flexibility

Leave the same

Could be more reduction

More – 11"/yr or 55" over 5 years

**Topic #2**

**Should there be carryover?**

Absolutely!! Don't want to promote USE IT OR LOSE IT. Save what is saved!!!

2 - Yes

More carryover

Yes 5" max like Sheridan 6

**Topic #3**

**Should there be irrigation conversion to other beneficial uses?**

Yes and should not increase consumptive use

2 - No

Ok

**Topic #4**

**Other ideas or problems with the current LEMA? Or a message to the board of Directors.**

Set a goal for life of Aquifer!!! It would be nice to have water here for my grandkids.



**2023-2027 LEMA PUBLIC MEETING**

Northwest Kansas Groundwater Management District No. 4

**August 20, 2021**

Colby, Kansas

NAME	CITY
Mariloukovieson	Colby
Billy Pullen	Colby
John Schilley	Colby
Ramon Elam	Colby
Jeff Munn	Mento
Kent Heard	Colby
Jon McKee	Brewster
Ken Christensen	Bartonsville
Abby Kroupa	Colby
Max Mann	Quinter
Lore Hines	Colby
Ron Bell	Colby
Steve Emma	Colby
Mark Myers	Colby
Steve Engelman	Colby

15

26 TOTAL

**2023-2027 LEMA PUBLIC MEETING**

Northwest Kansas Groundwater Management District No. 4

**August 20, 2021**  
Colby, Kansas

NAME	CITY
Eugene Schwarz	Oakley, KS
Jonathan Higdon	Gen KS
D. Friesel	
Brock Sloan	OAKLEY, KS
Lynn Goossen	Colby, KS
Sharon Hopson	Colby, KS
Aaron Higdon	Colby, KS
Clay Rush	Levant, KS
Tom [Signature]	
Ken Compton	

10+1\*\* Bert Stramel did not sign in [Signature]

**Hoxie Public Meeting Comments**

**8/25/2021**

Check it to know where you're at. . . Having something in place to help manage it.

On the sheet you handed out there were a few years that it fell – leave it the way it is.

Leave it the way it is.

So we're in year 3 or 4?

I think you are spot on with #2 point on the slide. (Carryover – Board of Directors wants to assure that previous conservation will not limit future use.)

There is a reduction on the conversion in Sheridan County.

And that was what KLA screwed us on?

That's all they should get (LEMA quantity).

Are we seeing more WCAs going in?

So I hope you aren't penalizing those that are conserving . . . Not using the full amount.

Carryover like in NE.

What would happen if the board decides to NOT renew the LEMA? More use, would lead to the State stepping in?

What's everyone seeing this year?

We are holding in good. Usually pump it – have air.

Pumping a lot of air. If it takes 3 days to go round, we turn it off for 3 days. If it takes 7 days, then we shut off for 7 days.

How much you putting on?

1 ¼

I would like to see some carryover for emergency uses.

**NO WRITTEN COMMENTS RECEIVED**



**2023-2027 LEMA PUBLIC MEETING**

Northwest Kansas Groundwater Management District No. 4

**August 25, 2021**

Hoxie, Kansas

NAME	CITY
Mitchell Barlow	Hoxie
Brian Meranda	Ocean Springs
Joe Waldman	Park
DAVE NIEMELIN	Hoxie
Dwayne Kerabrook	Hoxie
Stan Hays	Hoxie
Shane Mann	Quinter
Scott Manrath	Oakley
Dan Watkin	Hoxie
Mike Mense	Hoxie
Don Bos	Selden
PL	Hoxie
Greg Wolf	Goldan
Mike	Hoxie
Brian Telford	Selden
Brian Lunde	Colby

(16) + 2 Staff

**Other Comments**

**Received After 8/25/2021**

**Topic #1**

**Should there be more or less reduction?**

I would like to see the LEMA remain the same as it is currently. I think we need to have a few more years of water use data, at this level, to see if it is getting the results that we are trying to obtain.

Leave it alone for now.

**Topic #2**

**Should there be carryover?**

I think that allowing a carryover amount of water will result in less water used over time. I think that an irrigator who has conserved a carryover amount of water would be more likely to only use it if needed. I think that an irrigator would be more likely to pump the remaining water the last year or two of the LEMA if no carryover was allowed.

Yes! \*Should be able to transfer acre feet between wells as they do in Sheridan County #6.\* Why are the rules different.

**Topic #3**

**Should there be irrigation conversion to other beneficial uses?**

I don't have enough information on this to form an opinion.

On a limited and well-studied bases that doesn't harm family family farms.  
FEED LOTS should be last in consideration & packing houses (these are corporations).

**Topic #4**

**Other ideas or problems with the current LEMA? Or a message to the board of Directors.**

I have no problem with the current LEMA. Being able to use the FLEX program has helped tremendously.

See #2

**Other Comments**

**Received After 8/31/2021**

**Topic #1**

**Should there be more or less reduction?**

No response.

Stay the same for another five years.

**Topic #2**

**Should there be carryover?**

Yes, we have already conserved the water, but should have the ability to use some of our saved buildup during dry years. Otherwise, this comes off as less of a voluntary formed LEMA reduction and more like use it or lose it.

Yes, but not transferable from one water right to another unless it has already been instituted or combined.

**Topic #3**

**Should there be irrigation conversion to other beneficial uses?**

No

Stay with current crops.

**Topic #4**

**Other ideas or problems with the current LEMA? Or a message to the board of Directors.**

No response.

Towns and cities need to be allocated too.

Other Comments via Email and Text:

A goal is important to effectiveness

"I think there are people that only see us as a large irrigation user because of the amount of acres we farm, but we are probably about as proconservation as anybody. We have everything from 150 gpm to 900 gpm wells, and have learned how to adapt to both. If we were to increase reduction it needs to be in a way that gets everyone involved in conservation since the biggest problem with the current LEMA doesn't even restrict a lot of water rights that can't pump the allocation anyway."

"I don't know what the best scenario is going forward. I think the current LEMA has been excellent at getting people in a conservation mindset, but if we want to extend the longevity of the aquifer we need a plan to get everyone involved in water savings from the 150 gpm well to the 900 gpm well that doesn't just put everyone at the same level as the 150 gpm well."

"Would there be any logistical way to base allotment off of bushels per inch? Keep current LEMA amounts and put another layer on it for efficiency."